

DATE: March 8, 2018

TO: Mary Christesen, Acting Division Chief Land Use Services  
Department of Planning and Zoning

FROM: Femi Adelakun, Planner  
Department of Planning and Zoning

SUBJECT: Special Use Permit #2018-0014  
Administrative Review for Change of Ownership  
Site Use: Restaurant  
Applicant: ARP 1800, LLC d/b/a Theismann's Restaurant and Bar  
Location: 1800A Diagonal Road  
Zone: OCH / Office Commercial High

---

### **Request**

Special Use Permit #2018-0014 is a request to change ownership of an existing restaurant from Quartermen II, LLC to ARP 1800, LLC. No changes to current operations are proposed. The business will continue to serve American-style cuisine under the trade name Theismann's with food delivery, on-premises alcohol sales, 267 indoor and outdoor seats and operating hours of 7 a.m. and 1 a.m., Sunday through Wednesday and 7 a.m. to 2 a.m., Thursday through Saturday.

### **Background**

The office building in which the restaurant is located was constructed in the early 1980s pursuant to Site Plan #81-0028. City Council approved SUP#1835 to Quartermen of Alexandria in November 1985. The same individuals re-incorporated their business partnership under a slightly different name, Quartermen II, LLC, and applied for minor amendments for additional outdoor dining seats, extended opening hours and to allow a delivery service component. This was approved through SUP #2013-0035.

On February 22, 2018, a zoning inspector visited the subject property and found no violations of the conditions of Special Use Permit #2013-0035.

### **Parking**

SUP #1835 approved a parking requirement of 45 parking spaces at the tenant space for employees and patrons.

### **Community Outreach**

Public notice was provided through eNews, via the City's website, and by posting a placard on the site. In addition, Old Town Civic Association and Rosemont Citizens Association were sent written notification of the current application. Staff has not received any comments from residents or adjacent businesses.

### **Staff Action**

Staff does not object to the change of ownership request. Staff has carried over conditions from SUP #2013-0035. Conditions #5 and #17 have been updated to reflect current condition language and condition #27 has been added to ensure employee training on SUP conditions. Condition #28 and #29 have been included requiring that the business encourages its employees to use public transportation for traveling to and from work, while condition #29 requires that the business provides its patrons with information regarding alternative forms of transportation.

Staff hereby approves the Special Use Permit request.

**ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:**

Date: 3/08/2018

Action: Approved

A handwritten signature in blue ink, appearing to read "M. Christesen", is written over a horizontal line.

Mary Christesen, Acting Division Chief

Attachments: 1) Special Use Permit Conditions  
2) Statement of Consent

**CONDITIONS OF SPECIAL USE PERMIT #2018-0014**

The new owner is responsible for ensuring that the following conditions are adhered to at all times. Violation of any of the conditions may result in fines and/or referral to public hearing by the Planning Commission and City Council.

1. The Special Use Permit shall be granted to the applicant or to any corporation in which the applicant has a controlling interest only. (P&Z) (SUP2013-0035)
2. The maximum number of seats that may be provided at the restaurant shall not exceed 267, including any outdoor seats. (P&Z) (SUP2013-0035)
3. The maximum number of outdoor dining seats facilities shall not exceed 55. No advertising shall be allowed in the outdoor dining area, including on any umbrellas. No part of the outdoor dining operations, including employee traffic, shall encroach upon the city right-of-way without the approval of an encroachment ordinance. (P&Z) (PC) (SUP2013-0035)
4. The hours during which the business may be open to the public shall be restricted to between 7 a.m. and 1 a.m. Sunday through Wednesday and between 7 a.m. to 2 a.m. Thursday through Saturday, as requested by the applicant. (P&Z) (SUP2013-0035)
5. **CONDITION AMENDED BY STAFF:** No food, beverages, or other material shall be stored outside with the exception of materials specified in other conditions (P&Z) (SUP2013-0035)
6. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in a closed container which does not allow invasion by animals. No trash and debris shall be allowed to accumulate on-site outside of those containers. (P&Z) (SUP2013-0035)
7. **CONDITION DELETED BY STAFF**
8. **CONDITION DELETED BY STAFF**
9. The outside dining area shall be delineated by a barrier, planter, fence, etc. (P&Z) (SUP2013-0035)
10. The outside dining area shall be for sit-down service only. (P&Z) (SUP2013-0035)
11. The applicant shall post a sign denoting that no food or drinks are to be carried out of the outside dining area into adjacent street right-of-way. (P&Z) (SUP2013-0035)
12. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the outdoor dining area shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly and unsanitary accumulation, on each day that the business is open to the public. (T&ES) (SUP2013-0035)
13. All loudspeakers shall be prohibited from the exterior of the building, and no amplified


sounds shall be audible at the property line. (P&Z) (SUP2013-0035)

14. No lights in the outdoor dining area shall interfere with traffic or pedestrians using the street. (P&Z) (T&ES) (SUP2013-0035)
15. The outside dining area shall not be used to display and/or sell anything but food and beverages. (P&Z) (SUP2013-0035)
16. All service to the fenced outside dining area shall be from within the fenced area, with none being allowed from the right-of-way. (P&Z) (SUP2013-0035)
17. **CONDITION DELETED BY STAFF**
18. The applicant shall provide at least 45 parking spaces either within the building or at another suitable location for employees and patrons to the satisfaction of the Director of Planning & Zoning. (P&Z) (SUP2013-0035)
19. No live entertainment shall be allowed either inside the restaurant or in the outdoor dining area. (P&Z) (SUP2013-0035)
20. Only one vehicle may be used at any one time to deliver food to customers and said vehicle must park in an off-street parking space when located at the restaurant. (P&Z) (T&ES) (SUP2013-0035)
21. **CONDITION AMENDED BY STAFF:** Kitchen equipment, including floor mats shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (P&Z) (T&ES) (~~SUP2013-0035~~)
22. All waste products including but not limited to organic compounds (solvents), shall be disposed of in accordance with all local, state and federal ordinances or regulations. (T&ES) (SUP2013-0035)
23. The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES) (SUP2013-0035)
24. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES) (SUP2013-0035)
25. **CONDITION AMENDED BY STAFF:** The applicant shall require its employees who drive to use off-street parking, ~~and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees.~~ (T&ES) (~~SUP2013-0035~~)

26. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the Special Use Permit one year after approval and shall docket the matter for consideration by the Planning Commission and City Council if: (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community, (b) the Director has received a request from any person to docket the permit for review as a result of a complaint that rises to the level of a violation, or (c) the Director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z) (~~SUP2013-0035~~)
27. **CONDITION ADDED BY STAFF:** The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements, and on how to prevent underage sales of alcohol. (P&Z)
28. **CONDITION ADDED BY STAFF:** The applicant shall encourage its employees to use public transportation to travel to and from work. The business shall contact Go Alex at [goalex@alexandriava.gov](mailto:goalex@alexandriava.gov) for information on establishing an employee transportation benefits program. (P&Z)
29. **CONDITION ADDED BY STAFF:** The applicant shall provide information about alternative forms of transportation to access the site, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. Contact Go Alex at [goalex@alexandriava.gov](mailto:goalex@alexandriava.gov) for more information about available resources. (P&Z)
30. **CONDITION ADDED BY STAFF:** On-premises alcohol service may be offered, but no off-premises alcohol sales shall be allowed. (P&Z)

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2018-0014. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 1800A Diagonal Road.



Applicant - Signature

3/9/18  
Date

DAVID NICHOLAS

Applicant - Printed

3/9/18  
Date